

Ordinance No. 18299-09-2008

AN ORDINANCE INCREASING ESTIMATED RECEIPTS AND APPROPRIATIONS IN THE WATER AND SEWER OPERATING FUND IN THE AMOUNT OF \$258,800.00 FOR THE PURPOSE OF EXECUTING AN ENGINEERING AGREEMENT WITH RED OAK CONSULTING, A DIVISION OF MALCOLM PIRNIE, INC., TO UPDATE THE CITYWIDE WATER AND WASTEWATER IMPACT FEE REPORT; PROVIDING FOR A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That in addition to those amounts allocated to the various City departments for Fiscal Year 2007-2008 in the Budget of the City Manager, there shall also be increased estimated receipts and appropriations in the Water and Sewer Operating Fund in the amount of \$258,800.00 for the purpose of executing an engineering agreement with Red Oak Consulting, a division of Malcolm Pirnie, Inc. to update the Citywide Water and Wastewater Impact Fee Report.

SECTION 2.

That should any portion, section or part of a section of this ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this ordinance, which said remaining provisions shall be and remain in full force and effect.

SECTION 3.

That this ordinance shall be cumulative of Ordinance No. 17749 all other ordinances and appropriations amending the same except in those instances where the provisions of this ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

SECTION 4.

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:


Assistant City Attorney

ADOPTED AND EFFECTIVE: September 16, 2008

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 9/16/2008 - Ord. No. 18298-09-2008 & 18299-09-2008

DATE: Tuesday, September 16, 2008

LOG NAME: 60IMPACT FEE

REFERENCE NO.: C-23056

SUBJECT:

Authorize Execution of an Engineering Agreement with Red Oak Consulting, a Division of Malcolm Pirnie, Inc., to Update the Citywide Water and Wastewater Impact Fee Report for a Fee Not to Exceed \$258,800.00 and Adopt Appropriation Ordinance

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations by \$129,400.00 in the Water Capital Projects Fund and \$129,400.00 in the Sewer Capital Projects Fund;
2. Authorize the transfer of \$129,400.00 from the Water Capital Projects Fund and \$129,400.00 from the Sewer Capital Projects Fund;
3. Adopt the attached supplemental appropriation ordinance increasing estimated receipts and appropriations in the Water and Sewer Operating Fund in the amount of \$258,800.00; and
4. Authorize the City Manager to execute an engineering agreement with Red Oak Consulting, a division of Malcolm Pirnie, Inc., in an amount not to exceed \$258,800.00 for updating the Water and Wastewater Land Use Assumptions and Capital Improvements Plan City-wide for the purpose of revising the impact fee ordinance.

DISCUSSION:

Chapter 395 of the Texas Local Government Code provides authorization for local governments to enact and impose impact fees for capital improvements related to water and wastewater facilities, storm drainage and flood control facilities and roadway facilities.

On June 6, 1990, the Fort Worth City Council adopted Ordinance No. 10601, which was subsequently amended and replaced by Ordinance No. 10871 on July 2, 1991, implementing water and wastewater impact fees. The State law further requires that the City update the Land Use Assumptions and Capital Improvements Plan at least every five years, commencing from the date of the adoption of the Capital Improvements Plan. On May 18, 2004, the City Council approved Ordinance No. 15982, effective June 6, 2004, which updated Land Use Assumptions and the Water and Wastewater Capital Improvements Plan and provided for collection of 35 percent of the maximum assessable water and wastewater impact fees per service unit. On October 11, 2005, the City Council adopted Ordinance No. 16648-10-2005 increasing the collection rate for water and wastewater impact fees from 35 percent to 50 percent over a three-year period beginning January 10, 2006.

To comply with State law, Fort Worth Water Department staff and wholesale water and wastewater

customer representatives have undergone an extensive proposal and selection process to select the consultant for the updating of Fort Worth's Water and Wastewater Impact Fee studies. After evaluating qualified consultants, Water Department staff and the wholesale customer representatives have recommended Red Oak Consulting, a division of Malcolm Pirnie, Inc., to conduct the Impact Fee Study Update Report.

Principal elements of the proposed study will include:

- Review current Land Use Assumptions, Capital Improvements Plan and Impact Fee Schedule and Ordinances. Additional reports to review include the Water and Wastewater Master Plan, Facilities Plan and Semi-Annual Impact Fee reports;
- Update Land Use Assumptions and Capital Improvements Plan for water and wastewater in accordance with Texas Local Government Code, Chapter 395;
- Participate with staff in meetings with the Fort Worth Citizen Advisory Committee on Impact Fees, participate in meetings with the Wholesale Water and Wastewater Advisory Committees and Sub-Committees on impact fees, and participate in public hearings and City Council meetings concerning the impact fee studies;
- Ramifications of including or excluding water and wastewater pipe and service values in the Impact fee calculation;
- Recovery of City costs in certain developments;
- The need for and efficiency of an Impact Fee differential between inside City and outside City retail service; and
- Evaluation of an Impact Fee differential between wholesale and retail customers.

Red Oak Consulting, a division of Malcolm Pirnie, Inc., is in compliance with the City's M/WBE Ordinance by committing to 29 percent M/WBE participation. The City's goal on this project is 20 percent.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that upon approval and adoption of the attached supplemental appropriation ordinance, funds will be available in the current capital budgets, as appropriated, of the Water and Sewer Fund.

TO Fund/Account/Centers

1) PW53 538040 060530200040	\$64,700.00
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1) PS58 538040 070580200040	\$64,700.00
1) PS58 538040 070580200050	\$64,700.00
2&3) PE45 472053 0601000	\$129,400.00
2&3) PE45 472058 0701000	\$129,400.00
2&3) PE45 531200 0601000	\$129,400.00
2&3) PE45 531200 0701000	\$129,400.00

FROM Fund/Account/Centers

2) PW53 538040 060530200040	\$64,700.00
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2) PS58 538040 070580200040	\$64,700.00
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4) PE45 531200 0601000	\$129,400.00
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Submitted for City Manager's Office by:

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